

9 FAM 42.74 Notes

(TL:VISA-181; 11-20-1998)

9 FAM 42.74 N1 Issuing Replacement Visa During Validity of Original Visa

(TL:VISA-181; 11-20-1998)

If the consular officer is satisfied that an applicant will be unable to use an immigrant visa during its validity period because of reasons beyond the applicant's control and for which the applicant is not responsible, the provisions of INA 221(c) and the regulations at 22 CFR 42.74 do not preclude the issuance of a replacement visa within the same fiscal year even though the visa has not yet expired. The post shall recall and cancel the visa originally issued and collect anew the application and visa fees.

NOTE: *A DV applicant who applies for a replacement visa is not charged another processing fee. This is a one-time fee charged for processing DV files at NVC.*

9 FAM 42.74 N2 Returning Visa Numbers for Issued Unused Visa

9 FAM 42.74 N2.1 Returning Unused Visa and Number to Department-Fee Nonrefundable

(TL:VISA-35; 7-13-90)

If a visa recipient for whatever reason, including death, does not use a visa, the consular office shall request the return of the visa. The post shall cancel and return the visa to the sender and return the visa number to the Department for reallocation. Unless the alien was unable to use the visa as a result of action by the U.S. Government over which the alien had no control and for which the alien was not responsible, the fee collected for an issued visa cannot be refunded even though the unused visa is returned and the number returned for reallocation. [See 9 FAM 42.51(c) Regs/Statutes; 9 FAM 42.71(b) Regs/Statutes; and 9 FAM 42.72 PN2.]

9 FAM 42.74 N2.2 Replacement Immigrant Visa Allowed

(TL:VISA-3; 8-30-87)

The guidance contained in 9 FAM 42.74 N2.1 is not intended to curtail or otherwise affect the consular officer's authority under INA 221(c) to issue a replacement immigrant visa.

9 FAM 42.74 N3 Petition and Supporting Documents Attached to Lost or Mutilated Visa

(TL:VISA-181; 11-20-1998)

See 9 FAM 42.73 *PN1.12.*

9 FAM 42.74 N4 Duplicate Supporting Documents

(TL:VISA-181; 11-20-1998)

The consular officer shall ensure that aliens receiving Packet 3 are advised to obtain the necessary supporting documents in duplicate, even though they need to submit one copy only with the visa application. This will enable the alien to provide an identical set of documents in case a visa is issued but lost or made otherwise unusable before departure for a port of entry.

9 FAM 42.74 N5 Issuing New or Replacement Visa to Alien Previously Granted INA 212(g) Waiver

(TL:VISA-181; 11-20-1998)

See 9 FAM 40.11 *N11.*